

In the Office Action, dated December 07, 2005, applicant was required under 35 U.S.C. 121 to elect between one of two inventions. The inventions stated are:

Group I – Claims 1-33, drawn to a conveyor belt, classified in Class 198, subclass 810.03, and

Group II – Claims 34-43, drawn to a process of making a conveyor belt, classified in Class 156, subclass 140.

Applicant provisionally elects to be examined the Invention described by the Examiner as Group I – Claims 1-33 drawn to a conveyor belt, classified in Class 198, subclass 810.03. This election is made with traverse of the requirement under 37 CFR 1.143 for the reasons given in the paragraphs below.

The Examiner is respectfully requested to reconsider the Requirement for Restriction between inventions under Group I and Group II given in the Office Action. The Examiner gives the reason for the distinctiveness of the two inventions as (1) that the process as claimed can be used to make other and materially different products or (2) that the product as claimed can be made by another and materially different process (MPEP 806.05(f)). However, upon reading the product claims against the process claims one can readily see that the product claims are directed to “a conveyor belt” and that the process claims are directed to “a method to form a conveyor belt device”. It is necessary to obtain claims in both the product and method claim language. The method claims necessarily use the product and visa versa. This is especially true in the instant case wherein the

conveyor belt comprises the novel conductive loaded, resin-based material in both device and method claims. Therefore, the field of search for Group I and Group II must each necessarily cover both the product class/subclass 198/810.03 and the method class/subclass 156/140 in addition to other related classes and subclasses to provide a complete and adequate search. The fields of search for the Group I and Group II inventions are clearly and necessarily co-extensive. Further, it is respectfully suggested that these reasons are insufficient for placing the additional cost of a second Patent Application upon the Applicant. Therefore, it is respectfully requested that the Examiner withdraw the restriction requirement for these reasons.

Withdrawal of the Election of Inventions Requirement, and allowance of the present Patent Application, is therefore respectfully requested.

It is requested that should there be any problems with this response, please call the undersigned Agent at (989) 894-4392.

Respectfully submitted,



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